**734-020-0015**
**Establishment of Speed Zones on Public Roads Except Public Paved Low Volume or Public Unpaved Roads**

(1) Purpose: This rule is adopted for the purpose of establishing speed zones on public roads by the Department and other road authorities under ORS 810.180. This rule applies to all public roads except for the establishment of speed limits on interstate highways under OAR 734-020-0010 or where the Department may delegate its authority to establish designated speeds on low volume or unpaved roads under ORS 810.180(5) (f). The delegation of authority for low volume roads and unpaved roads is covered in OAR 734-020-0016 and OAR 734-020-0017. Establishment of speed zones on low volume roads may follow the standard method described in this rule or the procedures described in OAR 734-020-0016.  ~~The State Traffic-Roadway Engineer may approve an experimental alternative investigation method that could be used instead of the standard engineering study identified in section (2) of this rule after consideration of the recommendation of the Speed Zone Review Panel.~~

(2) Speed Zone Standard Method **for Roadways within city limits (except the functional class Other Freeways and Expressways)**:

**(a) Urban Speed Zones.**

**(A) The recommended urban speed of the roadway is dependent on the context and the federal functional class of the roadway.**

**(B) The following are the recommended speeds for different federal functional classes and contexts:**

**(i) Urban Core Arterial 25 mph - 30 mph**

**(ii) Urban Core Collector 25 mph – 30 mph**

**(iii) Urban Core Local 20 mph – 25 mph**

**(iv) Urban Mix Arterial 30 mph – 35 mph**

**(v) Urban Mix Collector 25 mph – 30 mph**

**(vi) Urban Mix Local 20 mph – 25 mph**

**(vii) Suburban Commercial or Residential Arterial 30 mph – 40 mph**

**(viii) Suburban Commercial or Residential Collector 30 mph – 35 mph**

**(ix) Suburban Commercial or Residential Local 30 mph – 35 mph**

**(x) Suburban Fringe Arterial 35 mph – 45 mph**

**(xi) Suburban Fringe Collector 30 mph – 40 mph**

**(xii) Suburban Fringe Local 30 mph – 35 mph**

**(C) The recommended speed may be varied within the range shown above. An engineering study will be performed to determine the appropriate recommended speed within the range;**

**(D) At the discretion of the Department as an alternate to the above speed ranges, the engineering study may recommend a speed varied a maximum of 5 miles per hour above or below the fiftieth percentile speed; or**

**(E) For one or more of the following reasons the recommended speed may be varied a maximum of 10 mph below the fiftieth percentile:**

**(i) The crash rate for the segment exceeds the average crash rate for the same functional classification of the roadway;**

**(ii) There has been more than one fatal or serious injury in the past three years;**

**(iii) The specific section meets the definition of a residence district.**

**(b)** ~~(a)~~ An engineering study must be performed to determine the recommended speed for proposed speed zoning. The standard engineering study will use the following criteria:

(A) Analysis of the speed **characteristics** ~~of free flowing traffic to include the eighty-fifth percentile speed and pace limits~~;

(B) The crash rate for the specific section of highway being considered;

(C) The average crash rate for similar functional classification highways (if available);

**(D) Crash history;**

**(E) Traffic volumes;**

**(F) Context including type and density of adjacent land use;**

**(G) Federal Functional class;**

**(H) Non-motorized users;**

~~(D) The difference between the crash rate for the specific section being considered and the average crash rate for similar functional classification highways; and~~

~~(E) The computed speed, which is the eighty-fifth percentile speed minus the crash rate above the average rate as determined in paragraph (D) of this subsection.~~

**(c)** ~~(b)~~ ~~The following~~ ~~a~~**A**dditional factors **that** may be considered in the standard engineering study **include the following**:

(A) **Number and location of** Accesses**, Driveways and Intersections**;

(B) **Transit** ~~Crash history~~;

(C) Enforcement;

(D) Geometric features;

(E) Pedestrian and bicycle **movements and** facilities;

(F) Public testimony;

(G) **Length and consistency of segment(s)** ~~Traffic volumes~~;

(H) **Demographics of Users (seniors, children, tourists, commuters, etc.)**~~Type and density of adjacent land use~~; and

(I) Other applicable factors.

**(3) Speed Zone Standard Method for areas outside of city limits (including any Other Freeway and Expressway functional classification highways, inside or outside city limits)**

**(a)** ~~(c)~~ **Rural** Speed Zone**s** ~~Recommendation~~. ~~The Department is subject to the following guidelines when determining the recommended speed using the standard engineering study~~:

(A) **For State Highways (of any functional class) or any other Arterial (County or other) outside of city limits or any Other Freeways and Expressways, the recommended speed may not be varied, except under paragraph (3)(a)(D) or (3)(a)(E), more than five miles per hour above or below the computed 85th percentile speed.**

(B) **For Non-State Highways that are classified as collector or lower outside of city limits the recommended speed may not be varied, except under paragraph (3)(a)(D), more than five miles per hour above the computed 85th percentile speed or more than 5 miles per hour below the 50th percentile speed for the highway.**

~~The recommended speed may not be varied, except under paragraph (2)(c)(C), more than five miles per hour above or below the computed speed on rural state highways.~~

(C) The recommended speed may be varied a maximum of 10 miles per hour below the computed **85th** **percentile** speed on state highways **or any other Arterial (County or other)** outside city limits **or Other Freeways and Expressways** for one or more of the following reasons:

(i) The crash rate for the specific section exceeds the average crash rate for similar functional classification highways;

(ii) There has been more than one fatal or serious injury crash in the last three years;

**(iii**) **There is limited stopping sight distance which has contributed to crashes or near misses.**

**(D) For any Highway outside of city limits but within the context of a rural community, the recommended speed may not be varied more than ten miles per hour above or below the 50th percentile speed for the highway if one or more of the following criteria are met:**

**(i)**~~(iii)~~ The specific section meets the definition of a “business district” under ORS 801.170 or a “residence district” under ORS 801.430;

**(ii)**~~(iv)~~ There are residences, businesses, or other public service facilities that front the specific section, and the section is located within an area that has been identified by the Oregon Department of Land Conservation and Development as an Unincorporated Community, and is listed in the Survey of Oregon Unincorporated Communities;

**(iii)**~~(v)~~ The specific section has urban character and environment and pedestrian attractions such as businesses, schools, parks or other facilities~~; or~~**.**

~~(vi) There is limited stopping sight distance which has contributed to crashes or near misses.~~

**(b) An engineering study must be performed to determine the recommended speed for proposed speed zoning. The engineering study will investigate the following criteria:**

**(A) Analysis of the speed characteristics;**

**(B) The crash rate for the specific section of highway being considered;**

**(C) The average crash rate for similar functional classification highways (if available);**

**(D) The difference between the crash rate for the specific section being considered and the average crash rate for similar functional classification highways; and**

**(E) The computed 85th percentile speed, which is the eighty-fifth percentile speed minus the crash rate above the average rate as determined in paragraph (D) of this subsection. If there is no comparable average crash rate available for the highway then the computed 85th percentile speeds is just the 85th percentile speed for the highway.**

**(F) Context/Type and density of adjacent land use**

**(G) Federal Functional class**

**(H) Non-motorized users**

**(c) Additional factors that may be considered in the engineering study include, but are not limited to, the following:**

**(A) Accesses;**

**(B) Crash history;**

**(C) Enforcement;**

**(D) Geometric features;**

**(E) Pedestrian and bicycle movements;**

**(F) Public testimony;**

**(G) Traffic volumes;**

**(H) Type and density of adjacent land use; and**

**(I) Other applicable factors.**

**(4) Other Speed Zone Requirements**

**(a)** ~~(d)~~ Transition speed zones should be considered when the difference between two adjoining posted speeds would otherwise exceed 20 miles per hour:

(A) The recommended speed for transition speed zones may exceed 10 miles per hour above or below the computed speed as deemed appropriate by the Department; and

(B) The Department is not restricted ~~by paragraphs (A) through (C) of subsection (2)(c)~~ when determining the recommended speed for transition speed zones.

**(C) It is recommended that the transition to lower speeds be accomplished in one segment.**

**(b)**~~(e)~~ The section length used for speed zoning should be at least one-quarter of a mile in length except transition speed zones may be a minimum of one thousand feet in length.

**(c)** ~~(f)~~ An existing designated speed zone may, at the discretion of the State Traffic-Roadway Engineer, be extended or shortened up to 500 feet without **performing an engineering study** ~~obtaining a spot speed check~~ within that section.

**(5)**~~(3)~~ **Alternative Investigation**

**(a)** An ~~experimental~~ alternative investigation **method** **may be used by a city road authority** to replace the standard engineering study method in order to determine a speed zone recommendation on certain City ~~of Portland~~ streets (not state highways)**.** ~~may be approved for a two-year trial period by the~~ **The** State Traffic-Roadway Engineer **must approve any city using the alternative investigation method**.  ~~The alternative method must include an evaluation plan for the City of Portland to provide a review and report to the Speed Zone Review Panel at the end of the trial period for a recommendation on the suitability of the City’s alternative method.~~

~~(a) After the two-year trial period, the State Traffic-Roadway Engineer will decide whether to continue or terminate the alternative method.~~

(A) **The recommended urban speed of the roadway is dependent on the context and the federal functional class of the roadway as described in section (2)(a).** ~~The Speed Zone Review Panel will review the evaluation of the alternative method and make a recommendation on whether or not to adopt the alternative method as an additional standard (not experimental) method, extend the evaluation period an additional year or terminate the use of the alternative method.~~

(B) **The recommended speeds for different federal functional classes and contexts may be varied within the range shown in section (2)(a).** ~~The State Traffic-Roadway Engineer will consider the Speed Zone Review Panel recommendation in the final decision.~~

(C) **The alternative investigation will be performed to determine the appropriate recommended speed within the range.** ~~Establishment of the alternative method as an additional standard speed zoning procedure after the two-year trial period requires Department adoption by administrative rule.~~

(b) The alternative method shall include the following factors as a minimum:

(A) ~~Street classification;~~ **Analysis of the speed characteristics;**

(B) ~~Street character and roadside development;~~ **The crash rate for the specific section of highway being considered;**

**(C) The average crash rate for similar functional classification highways (if available);**

**(D) Crash History;**

(~~C~~**E**) Traffic volumes;

~~(D) Street width and lane configuration; and~~

(~~E~~**F**) ~~An analysis of the current speed distribution of free-flowing vehicles.~~ **Context including type and density of adjacent land use;**

**(G)** **Federal Functional class;**

**(H) Non-motorized users.**

(c) The alternative method **is an abbreviated report** **format to be used for federal functionally classed city streets of collectors or lower, it** will not be used on streets that are state highways or ones that are classified as Arterials in the Federal Functional Classification System.  Federal Functional Classification is shown on ODOT City and County maps.

(d) The Department could determine that the standard engineering method, not the alternative method, is to be used on any street.

(e) If another local agency is involved in the jurisdiction of the street (an interested jurisdiction), the local agency using the alternative method must obtain the interested jurisdiction's concurrence with the use of the alternative method and the speed zone recommendation.

(f) The road authority shall perform the alternative investigation and submit the report containing the recommended speed to the Department for review and approval.  The road authority shall refer to the Department for accepted report format and content.

**(6)**~~(4)~~ Speed Zone Procedures:

(a) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed, using the standard engineering study method **or the alternative method**, on state highways within city limits, city streets, county roads and any other rural roads under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) The road authority and interested jurisdiction, if any, must ~~make written~~ **submit a** request to the State Traffic-Roadway Engineer in order for the Department to perform an engineering study with respect to establishing a designated speed on a highway under ORS 810.180. The ~~application~~ **request** must state the recommended designated speed for the highway or section of highway by the road authority and interested jurisdiction, if any;

(B) The Department must determine the recommended speed by performing or causing to be performed an engineering study;

(C) The Department, when requested by the road authority and interested jurisdiction, if any, may allow the  requestors to perform or cause to be performed an engineering study of the roadway section under its own jurisdiction and remit a copy of the investigation to the Department for review. Refer to the Department for acceptable methodologies and procedures for an engineering study of speed zones;

(D) The Department must allow the road authority and interested jurisdiction, if any, that is requesting an investigation under this section to participate with the Department in the investigation;

(E) The Department may recommend a change in the existing designated or statutory speed for a specific section of highway if the investigation establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;

(F) The Department must give written notice to the road authority and interested jurisdiction, if any, of the Department’s determination concerning a recommended speed;

(G) The Department must issue a Speed Zone Order if the recommended speed is mutually agreeable to the road authority and interested jurisdiction, if any;

(H) If mutual agreement cannot be reached, the road authority may take the matter to the Speed Zone Review Panel;

(I) A ~~written~~ speed zone order must be issued to establish a designated speed;

(J) A copy of the ~~written~~ speed zone order must be provided to the road authority and interested jurisdiction, if any, as appropriate, and the original retained in the Department of Transportation’s records for each speed zone established; and

(K) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

**(L) The Department may determine, at it discretion, whether a highway adjacent to a city limit boundary (i.e., the city limit boundary runs mostly along the right of way of the segment of highway) can be considered as being within the city limits for purposes of designating speeds.**

(b) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed on ~~rural~~ state highways **outside of city limits** under ORS 810.180 unless otherwise provided under ORS 810.180:

(A) A Government agency or citizen must ~~make written~~ **submit a** request for the Department to perform an engineering study with respect to speed on a **state** highway **outside of city limits** under ORS 810.180. The request must be made to the State Traffic-Roadway Engineer or Region Traffic Manager. The request must state the reason for the requested change in speed zoning;

(B) The Department may perform or cause to be performed an engineering study. If the engineering study is performed by someone other than the Department, that person should refer to the Department for accepted methodologies and procedures for an engineering study of speed zones;

(C) The Department may change the existing designated or statutory speed for a specific section of highway if the engineering study establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe under the conditions found in the specific section in question;

(D) The Department must ~~give a written reply to~~ **notify** the original requestor of the Department's determination concerning a designated speed;

(E) ~~Written objections~~ **Objections** by the requestor may be filed with the Department to any speed established by the Department;

(F) If the recommended speed exceeds the guidelines established under **subsection (2) or (3)** ~~paragraph (2)(c)(B) or (2)(c)(C)~~ of this rule, the Department may refer the matter to the Speed Zone Review Panel;

(G) A ~~written~~ speed zone order must be issued to establish a designated speed;

(H) The original ~~written~~ order must be retained in the Department of Transportation's records for each speed zone established; and

(I) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the highway where the designated speed is imposed.

(c) The Department of Transportation is subject to the following procedures while exercising its authority for establishing the designated speed using the alternative method in ~~the~~ **any** City ~~of Portland,~~**.**

(A) The Department will evaluate the recommendation on the report using the factors from **Section (5)** ~~(3)(b) as~~ ~~approved by the State Traffic-Roadway Engineer~~ for the alternative method.  The Department may change the existing designated or statutory speed for a specific section of highway if the alternative method establishes to the satisfaction of the Department that the existing speed is greater or less than reasonable or safe.

(B) If the recommended speed is mutually agreeable to the road authority, the Department and any interested jurisdictions, the Department will issue a ~~written~~ speed zone order.

(C) When differences of opinion about the recommended speed occur among the Department, the road authority and any interested jurisdictions, the road authority may take the matter to the Speed Zone Review Panel for decision.

(D) A ~~written~~ speed zone order must be issued **by the Department** to establish a designated speed.  A copy of the ~~written~~ speed zone order must be provided to the road authority and any interested jurisdictions, and the original retained in the Department's records.

(E) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of the street where the designated speed is imposed.

(F) A speed zone established under the ~~approved~~ alternative method shall be considered as duly established under ORS 810.180 ~~whether the alternative method becomes permanent or is terminated~~.

(G) ~~Subsections (2)(d), (e), and (f) and~~ Sections 5**, 7** and ~~6~~ **8** of this rule apply to the alternative method process ~~(as well as the standard engineering study method)~~.

**(7)**~~(5)~~ Speed Zone Review Panel:

(a) The Speed Zone Review Panel is created to conduct hearings for ~~deciding~~ contested speed zone**s** ~~recommendations~~ and **determine the speed to be designated. The Panel also**~~to~~ serve**s** as an advisory body to the Department **on speed zoning issues and practices**.  The panel must consist of the five following persons:

(A) The Chair of the Governor’s Transportation Safety Committee or a representative designated by the Chair;

(B) The Superintendent of State Police or a representative designated by the superintendent;

(C) The Chief Engineer of the Department of Transportation or a representative designated by the Engineer; and

(D) Two additional members, one representative of the interests of cities and one representative of the interests of counties. The League of Oregon Cities and the Association of Oregon Counties must each appoint a member representing the interest of cities and counties respectively. City and county representatives may serve a maximum three-year term. City and county representatives may be re-appointed to serve an additional three-year term.

(b) Three Speed Zone Review Panel members attending a hearing constitute a quorum.

(c) The State Traffic-Roadway Engineer will designate the Chairperson.

(d) The Department is responsible to pay from the State Highway Fund the per diem travel and other expenses of the members of the Speed Zone Review Panel for the purpose of conducting hearings on speed zone appeals.

(e) The Speed Zone Review Panel must conduct a hearing when the State Traffic-Roadway Engineer determines the Department has received a sufficient number of appeals to convene the panel:

(A) The State Traffic-Roadway Engineer must arrange the hearing date and present the speed zone appeals;

(B) The Department must notify the road authority, interested jurisdiction, if any, and any citizen having expressed an interest to the Department regarding the contested speed zone of the hearing ~~in writing~~ at least 30 days prior to the hearing. The 30-day hearing notification may be waived if it is mutually agreeable among the Department, road authority and any interested jurisdiction;

(C) The opportunity to present testimony in person or in writing must be included in the notice of hearing date;

(D) Written testimony received by the State Traffic-Roadway Engineer at least three days prior to the hearing must be considered in the speed zone appeal review;

(E) The criteria and procedures established under ORS 810.180, OAR 734-020-0015, OAR 734-020-0016 and OAR 734-020-0017 for determining speed zoning will be considered in deciding the appeals;

(F) The decision of the panel is final and any speed zone order must be issued accordingly; and

(G) The speed zone becomes enforceable when appropriate signs giving notice of the designated speed are posted on the portion of highway where the designated speed is imposed.

**(8)**~~(6)~~ Rescission.

(a) A designated speed established in a speed zone order created under ORS 810.180 supersedes the statutory speed except for school speed zones that would otherwise apply, until or unless the speed zone order is rescinded.

(b) A road authority may request that the Department rescind an established speed zone order if the road authority has determined that the statutory speed is more appropriate for the roadway and the roadway meets the statutory definition of the proposed statutory speed.

(c) When a speed zone order has been formally rescinded, the road authority may post the statutory speed.